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Note verbale dated 18 May 2005 from the Permanent Mission of Mauritius to the United Nations addressed to the Secretary-General

The Permanent Mission of the Republic of Mauritius to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to transmit herewith a copy of the Port Louis Declaration, adopted by the Regional Ministerial Conference of French-speaking Countries of Africa for promotion of the ratification and implementation of the United Nations conventions on combating terrorism, corruption and transnational organized crime and of the universal counter-terrorism instruments (Annex I), together with the report of this Conference, which was held at Port Louis from 25 to 27 October 2004 (Annex II).

The Permanent Mission of Mauritius would be grateful if the Secretary-General of the United Nations would bring the Port Louis Declaration to the attention of the General Assembly of the United Nations.

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Annex I to the note verbale dated 18 May 2005 from the Permanent Mission of Mauritius to the United Nations, addressed to the Secretary-General

Port Louis Declaration

Adopted by the Regional Ministerial Conference of French-speaking Countries of Africa for promotion of the ratification and implementation of the United Nations conventions on combating terrorism, corruption and transnational organized crime and of the universal counter-terrorism instruments

Port Louis, 25-27 October 2004

On 27 October 2004,

We, the Ministers of Justice and appointed delegations of Benin, Burkina Faso, Burundi, Cameroon, Central African Republic, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Mauritius, Morocco, Niger, Rwanda, Sao Tomé and Principe, Senegal, Togo and Tunisia,

In the presence of the following specialized agencies and bodies of the United Nations: the United Nations Office on Drugs and Crime and the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, and of the following regional and international organizations: the Agence intergouvernementale de of la Francophonie, the Indian Ocean Commission, the League of Arab States, the Organization of the Islamic Conference and the African Union,

Participating in the second Regional Ministerial Conference of French-speaking Countries of Africa for promotion of the ratification and implementation of the United Nations conventions on combating terrorism, corruption and transnational organized crime and of the universal counter-terrorism instruments, held at Port Louis from 25 to 27 October 2004,

Noting with satisfaction the support of the following specialized agencies and bodies of the United Nations System: the United Nations Office on Drugs and Crime and the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, and of the following regional and international organizations: the Agence intergouvernementale de of la Francophonie, the Indian Ocean Commission, the League of Arab States, the Organization of the Islamic Conference and the African Union,

Affirming, pursuant to United Nations Security Council resolutions 1373 (2001) and 1566 (2004), the unequivocal condemnation of terrorism in all its forms and manifestations, wherever and by whomever committed, in accordance with the principles enshrined in the Charter of the United Nations, international law and the relevant international conventions,

Considering that transnational organized crime, corruption and acts of terrorism pose a serious threat to human rights, hinder the social and economic development of all States and undermine global stability, peace and prosperity,

Noting with concern the close ties which exist between international terrorism, transnational organized crime and corruption,

Convinced that strengthened international cooperation is an absolute priority in combating transnational organized crime, corruption and terrorism;

Recalling in that regard that, through its resolutions 55/25 of 15 November 2000 and 55/255 of 31 May 2001, the General Assembly of the United Nations adopted the United Nations Convention against Transnational Organized Crime and the three Additional Protocols thereto, which constitute effective instruments of international cooperation in combating transnational organized crime;

Welcoming the General Assembly's adoption, through its resolution 58/4 of 31 October 2003, of the United Nations Convention against Corruption, open for signature until 9 December 2005, and the adoption of the African Union Convention on Preventing and Combating Corruption on 11 July 2003,

Taking note of the treaty event entitled "Focus 2004: Treaties on the Protection of Civilians", held at United Nations Headquarters from 21 to 24 September 2004 during the general debate of the fifty-ninth session of the General Assembly, another objective of which was to speed up the process of ratification of or accession to the United Nations Convention against Transnational Organized Crime and the Protocols thereto,

Recalling with satisfaction the entry into force of the Palermo Convention on 29 September 2003, of its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children on 25 December 2003, and of its Protocol against the Smuggling of Migrants by Land, Sea and Air on 28 January 2004,

Recalling also General Assembly resolution 58/140 of 22 December 2003, which invites all States to support the operational activities of the United Nations Crime Prevention and Criminal Justice Programme through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, or through voluntary contributions in direct support of such activities,

Welcoming the issuance of the Cairo Declaration, adopted on 4 September 2003 at the Regional Ministerial Conference of French-speaking Countries of Africa for the promotion of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto as document A/C.3/58/4 of the General Assembly of the United Nations,

1. Express our sincere gratitude to the Government of the Republic of Mauritius, and particularly to the Ministry of Justice, for having hosted and supported the Regional Ministerial Conference of French-speaking Countries of Africa held at Port Louis on 25, 26 and 27 October 2004, and to the United Nations Office on Drugs and Crime and the Agence intergouvernementale de la Francophonie, which jointly organized it;

2. Warmly congratulate the French-speaking countries of Africa which, since the adoption of the Cairo Declaration, have ratified the United Nations

Convention against Transnational Organized Crime, the Protocols thereto and other universal counter-terrorism instruments;

3. Recommend that the French-speaking countries of Africa which are not yet parties to the Convention, the Protocols thereto or the universal counter-terrorism instruments should ratify or accede to them as soon as possible;

4. Warmly congratulate the French-speaking countries of Africa which have already ratified the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption;

5. Recommend that the French-speaking countries of Africa which are not yet parties to the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption should sign and ratify them as soon as possible;

6. Call on the French-speaking States of Africa to adopt implementing legislation incorporating the provisions of the aforementioned instruments in order more effectively to suppress organized crime, corruption and terrorism;

7. Stress the importance of the principle of due process of and respect for human rights in criminal proceedings initiated against transnational organized crime, corruption and terrorism and the need to ensure the protection of victims, especially women and children;

8. Recommend that the French-speaking States of Africa should participate actively in the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok from 18 to 25 April 2005, in order to describe to other States the reforms that they have enacted and to exchange views and experiences;

9. Also recommend that the French-speaking States of Africa should participate in the next session of the Conference of States Parties to the United Nations Convention against Transnational Organized Crime, to be held in Vienna from 10 to 21 October 2005;

10. Invite donors and international and regional organizations to provide technical, financial and practical assistance in order to support participation of the French-speaking countries of Africa in the Conference of States Parties to the Palermo Convention and their efforts to ratify, accede to and implement the Convention against Transnational Organized Crime, the Protocols thereto, the universal counter-terrorism instruments and the United Nations Convention against Corruption, including through the payment of voluntary, substantial and regular contributions to the special account for the United Nations Crime Prevention and Criminal Justice Fund;

11. Stress the importance of coordinating efforts at the national, subregional, regional and international levels in order to strengthen global action against organized crime, terrorism, corruption and the serious threat that they pose to international security and, to that end, request the French-speaking countries of Africa to establish appropriate mechanisms for collaboration and coordination at the national level with support from the African Centre for Study and Research on Terrorism (ACSRT) of the African Union;

12. Request the United Nations Office on Drugs and Crime, in cooperation with the Agence intergouvernementale de la Francophonie and the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders and in coordination with the competent intergovernmental bodies, to develop training programmes for judges, police and other public officials involved in implementation of the United Nations Convention against Transnational Organized Crime, the Protocols thereto and the universal counter-terrorism instruments, following the example of the seminar held at Tangiers (Morocco) from 4 to 6 October 2004;

13. Request that priority should be given to highly diversified exchanges of expertise and technical assistance that are as well adapted as possible to countries' needs, such as awareness-raising seminars, workshops and transposition training, practical implementation manuals, training courses for practitioners and methodological assistance with the preparation of national reports for submission to the Counter-Terrorism Committee;

14. Recommend that the Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols, prepared by the United Nations Office on Drugs and Crime, should be disseminated to the French-speaking countries;

15. Encourage the competent United Nations programmes, funds and bodies, especially the United Nations Development Programme; the international financial institutions, especially the World Bank; and the regional and national financing bodies to support the technical operational activities conducted by the United Nations Office on Drugs and Crime, the Agence intergouvernementale de la Francophonie and the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, with respect to crime prevention and criminal justice;

16. Invite the French-speaking countries of Africa to conduct annual evaluations of progress achieved with respect to the ratification of, accession to and rapid implementation of these instruments by providing relevant information to the United Nations Office on Drugs and Crime and the Agence intergouvernementale de la Francophonie;

17. Invite the President of the Conference to bring this Declaration to the attention of the General Assembly of the United Nations at its fifty-ninth session.

Annex II to the note verbale dated 18 May 2005, addressed to the Secretary-General by the Permanent Mission of Mauritius to the United Nations

Regional Ministerial Conference of French-speaking Countries of Africa for the ratification and implementation of the United Nations Conventions on combating terrorism, corruption and transnational organized crime and universal counter-terrorism instruments

Port Louis, Mauritius, 25-27 October 2004

Report

I. Introduction

1. The Regional Ministerial Conference of French-speaking African Countries for the ratification and implementation of the United Nations Conventions against corruption, transnational organized crime and the universal anti-terrorism instruments was held at Port Louis, Mauritius from 25 to 27 October 2004. This meeting was jointly sponsored by the United Nations Office on Drugs and Crime (UNODC) and the Agence intergouvernementale de la Francophonie (AIF) with the cooperation of the Government of Mauritius. It is a direct result of the Cairo Declaration, adopted on 4 September 2003 at the conclusion of the Regional Ministerial Conference of the French-speaking Countries of Africa to promote the ratification of the United Nations Convention against Transnational Organized Crime (CTO) and its additional protocols. This Declaration requested the AIF and UNODC to set up a support and follow-up mechanism for their implementation by States, by implementation, to their benefit, of exchanges of expertise and technical assistance of the most varied kind and adapted to their needs.

II. Organization of the Conference

A. Opening of the Conference

2. The Conference was opened by His Excellency Mr. Pravind Jugnauth, Deputy Prime Minister and Minister of Finance and Economic Development of Mauritius, followed by four statements.

3. In his opening address, Mr. Jean-Paul Laborde, representative of UNODC, underlined the capital importance of the Mauritius meeting, which offered Ministers of Justice an opportunity to receive an update on progress made and difficulties encountered since the Cairo Conference, to evaluate the legislative changes necessary and to explore the new fields of operation opened by the adoption of the United Nations Convention against Corruption. He also thanked the Government of Mauritius for the warm welcome and fine organization of the Conference.

4. Next, Mr. Pasteur Nzinahora, representative of AIF, expressed the thanks of his organization to the host country, before recalling the main purpose of the meeting, which demonstrated the continuing interest of Ministers of Justice in the development of cooperation and mutual exchange. He stressed the degree to which

the strengthening of the rule of law was affected by the combating of international criminal activity in all its forms.

5. Mr. Emmanuel Jean Leung Shing, Minister of Justice and Human Rights of Mauritius, then took the floor to welcome his counterparts and all the participants, and to reveal that the choice of Mauritius to host the Conference had been neither accidental nor fortuitous, given his country's repeatedly demonstrated commitment to contribute to the global fight against impunity for the crimes that offended the universal conscience. To combat the scourges of terrorism, transnational organized crime and corruption effectively, he stressed the imperative need for the countries of Africa to unite and work together.

6. Mr. Pravind Jugnauth, Deputy Prime Minister and Minister of Finance and Economic Development, thanked UNODC and AIF for choosing Mauritius to host this important event and stressed the need for a combined offensive by States to counter the global crime industry. He detailed the efforts undertaken by Mauritius to combat the crimes that were the subject of the Conference and promised the participants the unwavering support of his country's Government for the success of the objectives of the meeting. He then declared the Conference open.

B. Participation

7. The Ministers and delegations representing the following French-speaking States of Africa participated in the Conference: Benin, Burkina Faso, Burundi, Cameroon, Central African Republic, Comoros, Congo, Côte d'Ivoire, Djibouti, Egypt, Gabon, Guinea, Guinea-Bissau, Mali, Morocco, Mauritania, Mauritius, Niger, Democratic Republic of the Congo, Rwanda, Sao Tomé and Principe, Senegal, Togo and Tunisia.

The following organizations and institutes also participated in the Conference as observers: the League of Arab States, the Organization of the Islamic Conference, the African Union and the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders.

8. The detailed list of participants is contained in annex III.

C. Election of the Bureau and adoption of the agenda

9. After the opening of the Conference, the representative of Egypt proposed that the Minister of Justice and Human Rights of Mauritius, the host country, should be elected President of the Conference by acclamation. This proposal was immediately accepted by all delegations. After his election, the President proposed that the representatives of Senegal and Egypt should be elected Vice-Presidents and nominated Cameroon and Guinea as co-rapporteurs. The Conference endorsed these proposed nominations by acclamation.

The Bureau of the Conference was composed of the following:

President:

His Excellency Mr. Emmanuel Jean Leung Shing, Minister of Justice and Human Rights of Mauritius

Vice-Presidents:

His Excellency Mr. Serigne Diop, Minister of Justice of Senegal
His Excellency Mr. Iskandar Ghattas, Secretary of State for Justice of Egypt

Rapporteurs:

Mr. Michel Mahouvé, representative of Cameroon

Mr. Sekou Keita, representative of Guinea

The participants subsequently adopted the agenda and organization of work attached in annex I.

III. Proceedings of the Conference

10. Technical presentations were made on the various items of the agenda, following which the participants exchanged views on their experience and expectations.

A. Implementation of the Cairo Declaration: follow-up and support to the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the universal anti-terrorism instruments

11. The representatives of the United Nations Office on Drugs and Crime made a detailed presentation on the progress made by the French-speaking States of Africa in the ratification of the Convention and its three protocols concerning trafficking in persons, illicit trafficking in migrants and manufacture of and illicit trafficking in firearms, as well as in the ratification of the universal anti-terrorism instruments.

The participants welcomed the quality of the reports produced, which had highlighted the very positive elements directly related to the commitments made in the Cairo Declaration. In particular, it was noted that, since the Cairo Ministerial Conference, the number of ratifications or adherences to the instruments in question had markedly increased.

The representatives of the Office made available to participants Legislative Guides for the implementation of the United Nations Convention against Transnational Organized Crime and the protocols thereto, which would support States in their efforts to ratify and implement those instruments.

12. Each participating delegation then presented national reports on that agenda item. It was noted that since the Cairo Conference:

- a noticeable effort had been made by most States present to sign and ratify the universal instruments against organized crime, terrorism and corruption or to accede to them;
- although some States had completed the internal procedures for ratification or accession, they had not yet deposited the instruments with the depositary indicated in each of those international treaties;
- the implementation of the instruments ratified was more or less in effect or in progress;
- the delay experienced by certain other States in signing, ratifying or acceding to these instruments was essentially due to political, institutional or economic crises they had undergone or were undergoing, a situation which nevertheless did not affect their desire to become parties.

13. After these reports, the League of Arab States, the Organization of the Islamic Conference, the African Union and the United Nations African Institute for the

Prevention of Crime and the Treatment of Offenders underlined the importance of this Conference, and affirmed that they were fully prepared to take up these initiatives and participate in their actions in this field.

B. Presentation of the Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols

14. At the request of the Counter-Terrorism Committee of the United Nations Security Council, a Guide for the incorporation into legislation and the implementation of the anti-terrorism instruments had been developed by the United Nations Office on Drugs and Crime for use by French-speaking States and presented at the Port Louis Ministerial Conference in implementation of the Cairo Declaration.

The purpose of this Guide is to assist States in the ratification, incorporation into domestic law and implementation of anti-terrorism instruments. This working tool was particularly welcomed by the participants, who recommended its broadest possible dissemination.

C. United Nations Convention against Corruption: overview, prospects and promotion of its entry into force and future work with a view to its effective application

15. The representatives of the United Nations Office on Drugs and Crime presented the objectives, structure and essential elements of the United Nations Convention against Corruption, as well as the signatures and ratifications of the instrument. It was pointed out that the ten ratifications registered to date out of the thirty necessary for its entry into force included two French-speaking African States.

D. African Union Convention on the Prevention and Combating of Corruption

16. An expert from the Agence intergouvernementale de la Francophonie presented a comparative study of the United Nations Convention against Corruption and the African Union Convention on the Prevention and Combating of Corruption, noting their complementarity. He did, however, underline the low number of ratifications: four out of the fifteen necessary for its entry into force.

While noting the usefulness of this regional instrument, the participants mentioned the risk of potential jurisdictional conflicts in the event of the proliferation of legal instruments on the same subject.

E. Necessary measures for the implementation of those instruments

17. Noting the technical difficulties related to the deposit of the instruments of ratification of the conventions and protocols, it was considered useful to specify the modalities.

18. The delegates unanimously expressed the need for the United Nations Office on Drugs and Crime and the Agence intergouvernementale de la Francophonie to continue to provide and further develop technical assistance appropriate to States.

19. On the subject of combating corruption, a particular effort for the ratification of the United Nations Convention among French-speaking African States was urged, so that they would have adequate representation at the Conference of States Parties once that instrument entered into force, and could thus take an active part in its monitoring mechanism. The same ratification efforts should be undertaken with

regard to the African Union Convention on the Prevention and Combating of Corruption.

20. Furthermore, the participants considered that it was important expressly to designate a focal point within each Ministry of Justice with responsibility for follow-up on those matters.

21. Considering the results obtained since the Cairo Declaration and the proven usefulness of its monitoring mechanism, the delegates wished to see the Ministerial Conference held annually.

22. Finally, the participants also requested that the Port Louis Declaration should be brought to the attention of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok from 18 to 25 April 2005.

IV. Port Louis Declaration

23. At the conclusion of their work, the Ministers and Heads of delegations adopted the Port Louis Declaration, contained in annex II.

V. Closure of the session

24. His Excellency Mr. Emmanuel Jean Leung Shing, Minister of Justice and Human Rights of Mauritius, presided over the closing ceremony. The representatives of the United Nations Office on Drugs and Crime and the Agence intergouvernementale de la Francophonie, after thanking the participants for the high quality of their work and the Government of the Republic of Mauritius for the excellent organization of the Conference, undertook to continue and expand their actions in support of States.

His Excellency Mr. Emmanuel Jean Leung Shing drew attention to the dangers of cybercrime, invited participants to pay close attention to that worrisome phenomenon, and stressed the importance of beginning work on a new United Nations instrument without delay. He expressed particular thanks to His Excellency Mr. Serigne Diop, Minister of Justice of Senegal, for his invitation to host the next Regional Ministerial Conference of the French-speaking African Countries in Dakar in 2005.

Finally, on behalf of all the delegations, the representative of Egypt expressed his warmest thanks to the Republic of Mauritius.

His Excellency Mr. Emmanuel Jean Leung Shing, after thanking UNODC and AIF for the excellent manner in which they had organized its work, declared the Port Louis Conference closed.